IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 29449 of 2004(E)

PETITIONER:

T.M.GOPALAN, S/O.MAMAN, TUMPARATHYIL PADOM, KUTTICHIRA P.O. CHALAKKUDY.

BY ADV. SRI.P.VIJAYA BHANU
SRI.M.GEORGE THOMAS

RESPONDENTS:
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1. **THE STATE OF KERALA, REP. BY THE PRINCIPAL SECRETARY TO GOVERNMENT, GENERAL ADMINISTRATION (FFP-B) DEPARTMENT, THIRUVANANTHAPURAM.**

2. **THE DISTRICT COLLECTOR, THRISSUR.**

BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.29447/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE FORM OF APPLICATION OF THE PETITIONER DT. 1.2.03 SUBMITTED BEOFRE THE DIST. COLLECTOR, THRISSUR.

EXT.P2 SRIES :- COPIES OF THE LETERS SUBMITTED BEFORE THE 2ND RESPONDENT BY T.K.RAMAKRISHNAN , M.N.NAIR, & P.P. JOSEPH.

EXT.P3:- COPY OF THE LETTER NO. R-21/03 DT. 15.10.03 OF THE SUPDT. GNERAL JAIL, VIYYUR.

EXT.P4:- COPY OF THE LETTER NO.K5/49393/03 DT. 3.11.03 OF THE DIST.COLLECTOR, THRISSUR.

EXT.P5:- COPY OF THE COUNTER AFFIDAVIT IN WP(C) NO.11423/04 DT. 23.9.04 OF THE 2ND R RESPONDENT.

EXT.P6:- COPY OF THE LETTER DT. 15.10.03 SENT BY THE PETITIONER TO THE SUPERINTENDENT CENTRAL JAIL, VIYYUR, THRISSUR.

EXT.P7:- COPY OF THE LETTER DT. .8.3.75 FROM THE MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA TO THE ACCOUNTANT GENERAL , KERALA, TRIVANDRUM.

EXT.P8:- COPY OF THE DOCUMENT EVIDENCING THE PRESENTATION OF TAMARAPATRA TO SHRI P.P. JOSEPH.

EXT.P8(a):- COPY OF THE DOCUMENT EVIDENCING THE PRESENTATION OF TAMARAPATRA TO SHRI.M.N.NAIR.

/TRUE COPY/

P.A. TO JUDGE

tss

T.R.RAMACHANDRAN NAIR, J.

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WP(C).No.29449 of 2004-E.

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Dated this the 1st day of August, 2007.

J U D G M E N T

The petitioner is seeking the benefit of freedom fighters pension from the Government of Kerala. The case of the petitioner is that he had undergone rigorous imprisonment in Viyyur Central Jail for participation in freedom movement. The petitioner has detailed his claim in Ext.P1 application which is supported by certificates from Shri.T.K.Ramakrishnan, Shri.M.N.Nair and Shri.P.P.Joseph. Even though the petitioner submitted application before the Superintendent, Central Jail, Viyyur for getting the records from the jail, it was replied that such records are not available as they were destroyed. This reply is evidenced by Ext.P3. Thereafter, without any further notice the petitioner was informed by Ext.P4 that his application cannot be considered as he is found ineligible for the same.

2. The learned counsel for the petitioner points out that in Ext.P4 no specific reasons have been pointed out to reject his application and as the claim was for the grant of freedom fighters pension the authority was required to apply its mind to the application and other relevant materials and hence Ext.P4 lacks those details. Along with IA.No.10592/2007 the petitioner has produced additional materials also. Since it is evident from Ext.P4 that

the District Collector has chosen to give only a reply without any detailed reasons, I find that the matter should be dealt with in detail by him afresh. Therefore Ext.P4 is quashed. The petitioner is allowed to furnish additional materials to the District Collector along with a representation within a period of one month from today. On receipt of the same the respondents shall take appropriate action on merits within two months thereafter.

With the above direction, this writ petition is disposed of.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-